

REMARKS

Applicant respectfully requests reconsideration of this application.

Status of Claims

Claims 1, 2, 4-38 and 40-99 are pending in the application. No claims have been amended. No claims have been added. No new matter has been added. No claims have been canceled.

Office Action Rejections Summary

Claims 1, 2, 4-38, and 40-68 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 69-99 have been allowed. Therefore, the following remarks are directed to the rejected claims.

Claim Rejections

Claims 1, 2, 4-38, and 40-68 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner states:

The claim(s) contains subject matter which was not describe in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **According to claims 1, 34, and 42, cells are identified in the buffer using parameters recited in the claims. The disclosure as originally filed nowhere describes this feature. According to claim 50, boundaries are made determinable through the use of parameters recited in the claim. The disclosure as originally filed nowhere describes this feature.** Claims 2, 4-33, 35-38, and 40-68 depend on claims 1, 34, 42, and 50 and are therefore similarly rejected.

(Office Action, 9/8/04, p. 2)(emphasis added).

Applicants respectfully disagree with the Office Action's characterization of the claims. It is submitted that claims 1, 34, 42 and 50 contain subject matter which is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner's attention is drawn to page 30 line 27 to page 31 line 11 of the specification where it describes the claimed feature that "the cells that are buffered able to be identified in the buffer through the use of a bits per word programmable parameter and a words per cell programmable parameter" of claims 1, 34 and 42 and the claimed feature of "boundaries made determinable through the use of programmable bits per word size parameter for said ingress FIFO buffer and a programmable words per fixed portion of ingress traffic parameter" of claim 50. In particular, the specification at page 30 line 27 to page 31 line 11 states:

Programmable parameters are used to customize the FIFO 2900, wherein the cell size, or **number of words per cell**, and the word size, or **number of bits per word**, are both programmable, or parameterized. (emphasis added)

Furthermore, it is respectfully submitted that the subject matter of a claim need not be described literally (i.e., using the same terms as those used in the description) in order for the disclosure to satisfy the description requirement. MPEP 2163.02.

Therefore, it is submitted that claims 1, 2, 4-38, and 40-68 comply with the written description requirement under 35 U.S.C. §112, first paragraph, and request that the rejection be withdrawn. If the Examiner continues to purport that the claims do not comply with the written description requirement, the Examiner is respectfully requested to suggest amendments to the claims that he believes can be supported by the application's written description as provided by MPEP 2163.04.

In conclusion, applicant respectfully submits that in view of the arguments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/13, 2005


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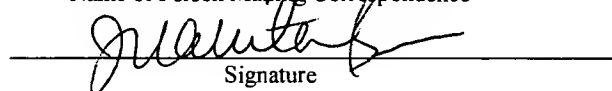
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